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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Amendment of)
the Commission's Rules Concerning)
Low Power Radio and Automated)
Maritime Telecommunications)
System Operations in the 216-217)
MHz Band)

WT Docket No. 95-56
RM-7784

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**JOINT COMMENTS OF THE ASSOCIATION
FOR MAXIMUM SERVICE TELEVISION, INC. AND
OTHER TELEVISION BROADCASTING ENTITIES**

The Association for Maximum Service Television, Inc. ("MSTV"), LIN Television Corp., Post-Newsweek Stations, Inc., and the Spartan Radiocasting Company (the "Joint Commenters") hereby file comments in response to the Notice of Proposed Rulemaking, WT Docket No. 95-56, RM-7784, released in the above captioned docket on May 16, 1995 (the "Notice").^{1/}

INTRODUCTION

MSTV and the Joint Commenters support the Commission's decision to reallocate the 216-217 MHz band to productive uses. Notice, at ¶ 1. After allocating the

^{1/} MSTV is a non-profit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality for the public's local broadcast service. LIN Television Corp., Post-Newsweek Stations, Inc., and the Spartan Radiocasting Company own television stations broadcasting on channels 13 and 10 in coastal regions of the United States. MSTV and the other Joint Commenters share a longstanding and vital interest in ensuring that the public continues to enjoy access to free, universal, over-the-air television broadcasting.

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218-219 MHz band to IVDS,^{2/} the 216-217 MHz band was effectively "orphaned." Notice, at ¶ 2. As broadcasters have pointed out in prior proceedings, transmissions in the 216-220 MHz band pose a unique interference threat to television channels 13 and 10. In particular, maritime mobile operations (AMTS) have been a constant source of concern for broadcasters operating on television channels 13 and 10.^{3/}

In this proceeding, the Commission proposes allocating the 216-217 MHz band to "short-range, one-way auditory assistance, health care" communications, "law enforcement tracking communications," and "AMTS point-to-point

^{2/} See In the Matter of Interactive Video Data Servs., 7 FCC Rcd 1630 (1992).

^{3/} From the inception of the AMTS service, MSTV has monitored its development closely and endeavored to ensure that AMTS was designed not to cause interference to the broadcast television service. See In the Matter of IWCS, 84 FCC 2d 875, 885, 889 (1981) (citing MSTV comments regarding potential interference problems). MSTV has continued to comment on the need to prevent harmful interference to television reception in subsequent proceedings on the expansion of the AMTS system. See, e.g., Gulf Intracoastal Highway, 51 R.R.2d 440 (1982); Maritime Radio Servs. (Automated Systems), 56 R.R.2d 1613 (1984); Amendment of Part 81 of the Rules to Permit Public Coast Stations to Serve Vehicles on Land, 1 FCC Rcd 1312 (1987); In the Matter of AMTS, 7 FCC Rcd 3607 (1992); see also Comments of MSTV, Gen. Docket No. 88-372 (September 26, 1988). When necessary, MSTV has filed petitions to deny or objections regarding both existing and proposed AMTS systems. See, e.g., MSTV Request for Deferral of Action on License Renewal Applications, In the Matter of Applications for Renewal of Radio Station Licenses Filed by Waterway Communications Systems, File Nos. 855083, 855136 (May 11, 1987); MSTV Petition to Deny, In Re Application of Riverphone, Inc., File No. 854213 (April 1, 1987).

communications." Notice, at ¶ 10. The Joint Commenters support the Commission's proposal to allocate the 216-217 MHz band to very low power auditory assistance devices and law enforcement tracking communications that do not pose a significant risk of interference to licensed operations. However, for the reasons that follow, we oppose the use of the 216-217 MHz band for AMTS operations, which are likely to cause interference to television channels 13 and 10.

I. AMTS OPERATIONS IN THE 216-217 MHz BAND POSE AN UNACCEPTABLE RISK OF INTERFERENCE TO RECEPTION OF TELEVISION CHANNELS 13 AND 10 IN COASTAL AND RIVER COMMUNITIES.

Watercom and American Coastal Barge Lines (ACBL) wish to expand AMTS operations into the 216-217 MHz band. Notice, at ¶ 2, 5. These proposed systems would operate on frequencies immediately adjacent to broadcast television channels 13 and 10. Furthermore, the AMTS systems would operate in coastal communities throughout the nation, including along the Eastern seaboard -- areas encompassing many of the most heavily populated areas in the country.

As the Commission is well aware, unless very carefully engineered, AMTS systems can cause substantial interference to the public's service on television channels 13 and 10. But, as the Commission is also well aware, the sources of television interference are notoriously difficult for individual viewers to locate and virtually impossible to resolve. The Commission itself tacitly has acknowledged the

scope of this interference problem by suggesting that "AMTS point-to-point links could be carefully designed to avoid residential areas." Notice, at ¶ 6.

Indeed, because of the scope of the interference problem, the Commission not only requires AMTS operators to remedy television interference once their systems are in operation, see 47 C.F.R. § 80.215(h)(4), but also places a heavy burden on AMTS applicants to demonstrate in their initial applications that their proposed systems will not interfere with broadcast television viewing. See id. at §§ 80.215(h), 80.475. However, notwithstanding the Commission's demonstrated concern for avoiding interference problems to broadcast television services from AMTS operations, AMTS operators historically have not been willing to address interference problems seriously or effectively.^{4/}

^{4/} For example, one operator recently submitted five applications for licenses to operate AMTS systems, all of which acknowledged the existence of an interference problem, but each of which proposed an "interference control plan" that consisted of identical, boilerplate assurances that the applicant would respond to viewer complaints and "make such adjustments in TV receivers" as may be necessary, including steps ranging from reorientation of antennas and installation of filters, transmission lines and even receiver shielding to wholesale set replacement. See Application No. 871503 (Suffolk, Virginia) (interference to television station WAVY, channel 10); Application No. 871504 (Miami, Florida) (interference to television station WPLG, channel 10); Application No. 871505 (Raymond, Maine) (interference to television stations WGME-TV, channel 13, in Portland, Maine, and WCBB, channel 10, in Augusta, Maine); Application No. 871506 (Balm, Florida) (interference to television stations WTVT, channel 13, in Tampa, Florida, and WTSP, channel 10, in
(continued...)

In consequence, the Joint Commenters urge the Commission to reject Watercom's and ACBL's proposal to allocate the 216-217 MHz band to AMTS operations.

II. THE COMMISSION SHOULD GRANT THE PHONIC EAR AND PRONET PETITIONS, BUT PROHIBIT THE USE OF THE 216-217 MHz BAND FOR AMTS OPERATIONS.

As discussed below, Phonic Ear and ProNet propose to use the 216-217 MHz band for services that are plainly in the public interest. Accordingly, it would be appropriate to allocate this band primarily to low power devices that facilitate these services.

A. Phonic Ear/Auditory Assistance Devices

Phonic Ear has devised an auditory assistance device that would enable hearing-impaired persons to enjoy more fully a variety of events in a number of public settings, including theaters and movie houses, sports arenas, and classrooms. See Phonic Ear, Inc., Petition for Rulemaking, at 2-4, 6-7 (June 2, 1994). The Joint Commenters believe that the public interest would be served by allocating spectrum to accommodate the operation of these (and similar) devices.

Moreover, the auditory assistance device manufactured by Phonic Ear operates at a very low power level. See id. at 14-16, 19-20. In consequence, these devices do not

^{4/}(...continued)
St. Petersburg, Florida); Application No. 871697 (New York, New York) (interference to television station WNET, channel 13, Newark, New Jersey).

pose a serious risk of interference to reception of television channels 13 or 10. Phonic Ear's proposal would be an optimal use of the 216-217 MHz band, and therefore should be incorporated into the Commission's rules.

B. ProNet/ETS Devices

ProNet manufactures an electronic tracking service (ETS) device that assists law enforcement personnel with the apprehension of fleeing felons and the recovery of stolen property. The Joint Commenters believe that ETS devices have the potential of materially enhancing the effectiveness of local police departments.^{5/}

Critically, operation of the ProNet device should not generate harmful interference to reception of television channels 13 and 10. See id. at 9 & app. F.^{6/} Moreover, ETS devices will operate only sporadically (and hopefully infrequently); thus, any potential interference will affect

^{5/} Indeed, ProNet has submitted data to the Commission demonstrating that a number of police departments throughout the nation would like to make ETS an integral part of their law enforcement efforts. See ProNet, Inc., Request to Modify Petition for Rulemaking, RM No. 7784, at 4-5 (October 1993). And, it would appear that ProNet's ETS has already demonstrated its utility as a crime-fighting tool. Id. at 5-7.

^{6/} In September 1991, MSTV filed comments opposing a proposal by ProNet to provide ETS in the 218-219 MHz band. MSTV's principal objection was that ProNet had failed to address adequately the danger of co-channel interference to television channel 13. ProNet's revised proposal to use the 216-217 MHz band for ETS appears to be responsive to the interference problem that MSTV previously identified.

only a limited geographic area for a short period of time. Finally, ProNet has indicated a willingness to work with broadcasters to resolve expeditiously any unforeseen interference problems that might arise.

In light of the foregoing, the Joint Commenters do not oppose an allocation of the 216-217 MHz band to ETS. However, any such allocation must be subject to the requirement that ETS operations not cause interference to services operating in adjacent spectrum (i.e., broadcasters operating television stations on channels 13 and 10).

C. AMTS Operations and Spectrum Sharing

AMTS should not be authorized to use the 216-217 MHz band because of the threat to the public's television service described above. An additional reason is that it is doubtful that AMTS could effectively share these frequencies with auditory assistance devices and ETS, whose benefits to the public have also been summarized above.^{2/} The effects of AMTS transmissions on the operation of an auditory assistance device or ETS transmitter is unknown. Moreover, there have been concerns raised about related technologies interfering with auditory assistance devices. See, e.g., "Industry Begins Study of Hearing Aid Interference By Digital Mobile Phones,"

^{2/} Phonic Ear and ProNet believe that their services can successfully co-exist in the 216-217 MHz band. See ProNet, Request to Modify Petition for Rulemaking, RM No. 7784, at 3 (October 1993).

Communications Daily, July 11, 1995, at p.1 (reporting on "buzzing sounds" and "feedback" caused by cellular phones).^{8/}

CONCLUSION

MSTV and the Joint Commenters encourage the Commission to reallocate the 216-217 MHz band to auditory assistance devices and ETS. Such an allocation would put the band into productive use, would facilitate the provision of important communications services, and would not cause interference to the public's service from neighboring broadcast television operations. The proposed AMTS use is another matter. Proposed AMTS operations in the 216-217 MHz band inevitably will cause interference to reception of television channels 13 and 10. The Commission should

^{8/} The Joint Commenters also note that the Commission has proposed an ITU allocation of the 216-216.5 MHz band to mobile satellite systems. See In the Matter of Preparation for ITU World Radio Conferences, IC Docket No. 94-31, at ¶ 20 (June 15, 1995). At this time, it is unclear whether MSS operations in this band would cause harmful interference to television channels 13 and 10. The Commission should not endorse a global allocation of the 216-216.5 MHz band before determining the domestic feasibility of such an allocation.

therefore reject Watercom's request to authorize AMTS
operations in the 216-217 MHz band.

Respectfully submitted,

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